IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2505 OF 2006

Appasaheb Kalgonda Patil & Ors. .. Petitioners.
Vs.
Jangonda Paigonda Patil & Ors. .. Respondents.

Mr.S.G.Deshmukh for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 11TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. This petition is directed against the order dated 10th November, 2005 by which the petitioners-application at Exhibit-76 for appointment of the Court Commissioner has been rejected. I see no reason to interfere with the order passed by the court below in extremely limited jurisdiction of this Court under Article 227 of the Constitution of India. I am satisfied that the reasons recorded by the appeal court while rejecting the applications are just and proper.

3. However, this shall not preclude the petitioners from approaching the office of the City survey for carrying out measurement privately. If

such an application is made to the concerned office it may be dealt with in accordance with law. The petitioners shall complete the exercise of getting the suit property measured privately within six weeks from today. The trial Court shall not stay the proceedings of the trial beyond six weeks from today. The petitioners may place a report of the concerned officer on record and also examine the said officer during trial, if so advised. It is needless to express that the concerned authority while carrying out measurements at the instance of the petitioners shall follow the due procedure. It is open for the petitioners to produce a copy of this order for getting the land measured expeditiously. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)